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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 3 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1993/12, E/CN.4/1993/13, E/CN.4/1993/2-E/CN.4/Sub.2/1991/65)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (E/CN.4/1993/17, E/CN.4/1993/19, E/CN.4/1993/18)

1. The CHAIRMAN invited the members of the Commission to continue their consideration of agenda item 4 and declared open the discussion on agenda item 9.

2. Mr. RIMDAP (Nigeria) said, in connection with the violation of human rights in the occupied Arab territories, including Palestine, that the solution of the Israeli-Arab conflict depended on parties. On the one hand, the inalienable right of the Palestinians to [illegible] and implied the withdrawal of Israel from all the occupied territories, while on the other hand, the existence and security of the State of Israel must be guaranteed. The international community, and the United Nations in particular, should pursue their efforts to ensure just and lasting peace in the region. The deportation to southern Lebanon of 415 Palestinians accused of association with terrorist movements had driven a wedge into the Middle East peace process. Israel should rescind its decision and comply with Security Council resolution 799 (1992). The international community and the parties to the conflict should not allow the current peace process to be derailed. Nigeria condemned any attempts to stall that process.

3. The right of peoples to self-determination was a fundamental and inalienable right enshrined in the Charter of the United Nations and in the International Covenants on Human Rights, yet it was still denied to millions of people in many parts of the world, especially in South Africa and in the occupied Arab territories. His delegation called on the Commission to condemn all practices, including foreign occupation, colonial domination, military intervention and subversion by mercenaries, that were likely to impede the exercise of the right of peoples to self-determination.

4. His delegation welcomed the efforts of the United Nations to solve the problem of Western Sahara. It also appreciated the steps taken to ensure protection of, and respect for, the rights of the Cambodian people. Nevertheless, situations where there was use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination and flouting human rights remained a matter of concern. It should never be forgotten that denial of a people's right to self-determination opened the way to violence, destruction and lawlessness.

5. Mr. ABRAM (United States of America), referring to agenda item 9, said that self-determination posed particularly difficult problems in the modern world. When the Charter of the United Nations had been drafted, respect for that principle had been deemed essential for strengthening universal peace and uniting nations. Ironically, it had now become the battle-cry of groups which, for ethnic or religious reasons, were bent on dividing established

nations. Formerly signifying the legitimate right of a people to throw off the yoke of an imperialist power, self-determination was today asserted against neighbours occupying the same territory. The basic question concerned the definition of the concept of nationhood. To invoke the right to self-determination, it was not sufficient for a group to share a common culture, language and history; if that were the case, there could be thousands of nations. Moreover, the right to self-determination did not necessarily signify the creation of a new State; it could be reflected in the enjoyment of a measure of autonomy, in various forms of federalism or in the allocation of authority in domains such as education or culture.

6. It should also be pointed out that a shared ethnic background, religion and language were not necessarily a guarantee that the human rights of a people would be respected in matters related, for example, to equality between the sexes or social necessities. A multi-ethnic and diverse society could invigorate its members and encourage mutual tolerance. The United States of America had profited considerably from the great diversity of the cultures which coexisted on its territory. One or another group should be able to give vent to its dissatisfaction and complaints, which ought to be heeded by a society respectful of the rights of each group and attentive to minorities. The rights of groups and minorities were also protected by a body of international law and treaties. A group whose rights were respected would be less inclined to claim independence. He recalled that the United States President Woodrow Wilson had pressed for the incorporation of minority rights alongside self-determination in the Treaty of Versailles.

7. As well as isolationist and secessionist movements, the world was witnessing signs of transnational regrouping. Progress in communication had reduced distances, and nations were aware of the economic need to move closer to one another. There were, of course, occasions when the separation of one part of a State was inevitable; but that should happen through negotiation and the democratic process. The Commission must do everything in its power to forge links of tolerance and respect between individuals, groups and nations.

8. Mr. SHARAF (Observer for Jordan) said that citizens, Governments, international organizations and other institutions worldwide were all concerned at Israel's violations in the occupied Arab territories. The latest in a long list of infringements of the rights of the Palestinians was the recent banishment by Israel of more than 400 of them. The Israeli Government was attempting to justify its action, but its declarations were altogether contradictory. It was now agreeing to the repatriation of 100 deportees: had they been innocent from the outset, in Israel's eyes, or had they recently become so? All that was just another stratagem. In reality, the banishment of the group was a perfect illustration of Israeli practices in the occupied Arab territories. It also demonstrated Israel's determination to divert the international community's attention away from reality towards events that were no more than marginal. Was it not clear for all to see that the manoeuvre was designed to eclipse Security Council resolution 799 (1992)? How could the Israeli courts be allowed to pronounce on the rights of Palestinians when those rights were being flouted by the Israeli military occupation and by the Israeli Prime Minister himself? In resolution 799 (1992), the Security Council had reaffirmed its earlier resolutions concerning the Palestinians' rights. The Secretary-General's report in document S/25149

testified to his efforts and to the efforts of his representatives to find a solution concomitant with the stand taken by the Council; their endeavours had so far been to no avail. He referred in particular to paragraph 7 of the report, from which it might be learned that, according to the Israeli Prime Minister, the Government had refrained from imposing the more serious sanctions, including capital sentences, that - the Prime Minister maintained - were authorized by the Fourth Geneva Convention.

9. The Israeli Government claimed to be working for working for peace negotiations and to seek a dialogue, even with the Palestine Liberation Organization, but at the same time it refused to implement Security Council resolution 799 (1992). In that connection, it should be pointed out that States everywhere, including the Middle East, must comply with international law. The fact of the matter was that Israel did not wish the peace process to continue. To be convinced of that, it was sufficient to refer to the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and in particular A/47/262, A/47/76 and A/47/509, which testified to the persistent ill-treatment inflicted by the Israelis (torture, demolition of housing, obstruction of family reunification, establishment of settlements, etc.). He also recalled Security Council resolution 681 (1990) and the proposal that the Secretary-General might set up a United Nations monitoring mechanism in the occupied territories. It was generally agreed that such a solution would offer the best protection of the rights of the Palestinians as long as Israeli occupation lasted. A solution must also be found to the problem of the settlements, concerning which Israel was now offering new excuses and new language (speaking, for example of "political" settlements and "security" settlements).

10. As it had done in its resolution 1992/3, the Commission on Human Rights should once again request the Israeli Government to abstain from establishing settlements in the occupied territories. The right to self-determination of the Palestinian people was the prerequisite for all its other rights. All who were committed to the cause of justice and freedom expected that in the post-cold war period the Commission would throw open the way to respect for human rights throughout the world.

11. Mr. ZAHRAN (Observer for Egypt) expressed regret that the thaw of recent years in international relations had had no positive or direct impact at the regional level and had not contributed to the solution of conflicts raging in various parts of the world. Respect for human rights and fundamental freedoms had become one of the great world causes, and the attention now accorded to human rights stemmed from the firm belief that their protection was a means of guaranteeing international peace and security.

12. For more than 40 years the Middle East had been a hotbed of tension and trouble because the international community had not succeeded in finding a just and global solution to the Palestinian problem. Egypt had always maintained that the settlement of the Palestinian question called for sustained political efforts by all States, both within and outside the region. Such a settlement was the precondition for peaceful coexistence between all

the parties to the conflict and all the peoples of the region. That was why Egypt had enthusiastically welcomed the launching of the Madrid peace talks on the basis of Security Council resolutions 242 (1967) and 338 (1973).

13. All the reports by different United Nations bodies, and notably those by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/47/76, A/47/262 and A/47/509), as well ICRC and UNRWA documents, bore witness to the policy of violence and terror pursued by the Israeli authorities with regard to the civilian population in the occupied territories, the most recent manifestation of which had been the deportation of more than 400 Palestinians in December 1992. The Security Council had condemned that action in its resolution 799 (1992), in which it had reaffirmed the applicability of the Fourth Geneva Convention to all the Palestinian territories occupied since 1967, including Jerusalem, and demanded that Israel ensure the safe and immediate return of the deportees to their homes. The Council of the Arab League had also, on 12 January 1993, severely condemned the policy of mass deportations and the serious impact it could have on the peace process and on the maintenance of peace and security in the region. The Egyptian authorities were, for their part, continuing their contacts with the Israeli authorities with a view to ensuring the implementation of the Council resolution.

14. In order, however, for the Palestinian people to be effectively protected, four conditions must be met. In the first place, Israel must withdraw from all the occupied Arab and Palestinian territories. Secondly, the international community should take all the necessary steps to guarantee the exercise by the Palestinian people of its inalienable rights, including the right to self-determination and to create its own State. Thirdly, all the States parties to the Fourth Geneva Convention of 1949 should, in accordance with their responsibilities under its article 1, ensure respect for the Convention in all the occupied Arab territories, including Jerusalem, and require Israel, as the occupying power, to respect its provisions, notably by renouncing its policy of annexing territories and establishing settlements. Fourthly, Israel should put an end to all practices constituting violations of the Fourth Geneva Convention, annul all the deportation measures taken to date and ensure the immediate return of all the deportees to their homes. Now, more than ever, the international community should ensure that all States, without exception, respected the principles of international law and refrained from applying double standards when addressing the issue of human rights in the occupied Arab and Palestinian territories.

15. The Secretary-General was to be commended on his most recent report to the Security Council, dated 25 January 1992 (S/25149), in which he requested the Council to take all necessary steps to compel Israel to comply with its resolutions and to ensure the immediate return of all the deportees. The peace process launched at Madrid was a challenge which the international community must take up in order to establish security and stability in the region. Israel should demonstrate its good faith by ceasing to obstruct the ongoing talks and putting an end to its illegal treatment not only of the Palestinian people but also of the inhabitants of the occupied Syrian Golan and southern Lebanon. Israel must also withdraw unconditionally from occupied Syrian Golan and southern Lebanon in accordance with Security Council

resolutions 242 (1967), 338 (1973) and 425 (1978). His delegation hoped that the Commission would adopt draft resolutions to that end, and once again call on Israel to comply with the spirit and the letter not only of those resolutions but also of relevant Security Council resolutions.

16. Mr. SEMICHI (Observer for Algeria) expressed his delegation's gratification at the Commission's choice, as Chairman of its forty-ninth session, of the representative of a country of the Maghreb region, which history had associated with the great civilizations that had spread outwards from their Mediterranean birthplace. Unhappily, it was in that part of the Mediterranean, and more particularly in occupied Palestine, that universal moral values had suffered most, at the hands of a State built on the principle of exclusion, which was subjecting the Arab populations to its reign of terror. The violations of human rights committed by Israel in Palestine and the occupied Arab territories had been condemned on countless occasions, and were the most flagrant illustration of the negation of justice and of a determination to stifle a people's development on its native soil. Moreover, consideration of agenda item 4 was taking place at the very moment when 400 Palestinians were victims of an arbitrary deportation order and confined in an area which had itself been confiscated from an independent neighbouring country, Lebanon. Despite unanimous condemnation by the international community, Israel refused to reconsider its decision and to guarantee the return of those concerned to their homes.

17. Upheavals on the international stage had not had the expected effect in Palestine and the territories occupied by Israel, which was continuing to inflict shameful, barbaric and immoral treatment on Palestinian citizens and the other Arab populations of the occupied territories, as was evidenced by the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/47/76, A/47/262 and A/47/509). Those reports, prepared in the face of multiple obstructions and without the slightest cooperation on the part of the Israeli authorities, revealed the systematic and generalized nature of the human rights violations perpetrated by the Israeli occupying forces. That deliberate policy, inspired by the Zionist ideology of exclusion in that it denied the very existence of the Palestinian people, was not only designed to perpetuate a state of affairs which the international community had consistently denounced for decades, but also formed part of a strategy aimed at modifying the demographic, cultural and legal status of the occupied territories in order to facilitate annexation. The policy was accompanied by shameful exploitation by the Zionist authorities of the natural resources of those territories, and more particularly of their water resources, the vital importance of which for all the populations of the region had been stressed in several United Nations forums.

18. The arbitrary treatment inflicted on the Palestinian people for more than 40 years was hardly equalled in modern history; nor did the vengefulness and aggressiveness of the Israeli authorities have any counterpart. The heroic intifada of the Palestinian people was above all a response to that treatment and to the shameless cynicism which accompanied it. But it was also a message to the international community to strengthen its support for the Palestinian cause, and an appeal to all States to abandon their complaisant

attitude towards an entity which was devoid of all morality, and whose own creation and existence depended on the use of force and violence, two characteristics which were particularly at variance with universal moral values and respect for human rights.

19. The gravity of the situation in Palestine and the occupied Arab territories was a source of constant anxiety to Algeria and the Arab world. It was clear that the revival of the United Nations and the credibility of its organs would henceforth depend on what they did to secure compliance with the law in the Middle East, to hasten the liberation of the Palestinian people and to promote policies designed to establish harmonious coexistence between all the peoples of the region, without hegemony and with respect for the inalienable rights of the Palestinian people.

20. Mr. ASKALANI (League of Arab States) commended the international community's constant efforts to strengthen human rights throughout the world. At the same time, he deplored the deterioration of the situation of Arabs and Palestinians in the occupied territories, where the Israeli Government was engaging in unprecedented barbarity: massive sanctions against civilians; terrorist practices, with children as the victims; the demolition of housing, and so on. All those violations were reflected in reports by the International Committee of the Red Cross, Amnesty International and other humanitarian organizations. The recent deportation of more than 400 Palestinians to Lebanon, which had seriously jeopardized the peace process in the region, demonstrated yet again, if that were necessary, the extremist nature of the Israeli Government, which was trampling on the provisions of the Fourth Geneva Convention, as well as the International Covenants and other human rights instruments. Israel's judiciary presided over a parody of justice, applying standards that differed totally according to whether Arab or Israeli citizens were involved. He paid tribute to the heroic intifada waged by the inhabitants of the occupied territories in resistance to Israeli oppression.

21. The League of Arab States called for prompt and unconditional compliance with Security Council resolution 799 (1992), which had been unanimously endorsed by the international community. At its current session, the Commission on Human Rights must accord special priority to the question of Israeli practices in the occupied territories, because its credibility was at stake. The Secretary-General of the United Nations had done his utmost to persuade the Israeli Government to comply with the Security Council resolutions. The entire international community should mobilize to secure implementation of resolution 799 (1992) and save the peace process, which was at present gravely compromised. The Commission on Human Rights should set up an international commission of inquiry to expose the physical and psychological torture suffered by Arabs in the occupied territories and draw up a list of the officials responsible for those crimes, so that they might be tried by an international court.

22. The League of Arab States called on the Commission on Human Rights to strive for the implementation of the Fourth Geneva Convention, of Security Council resolutions 799 (1992) and 681 (1990), which provided for the creation of a mechanism to prevent the violation of human rights by Israel, and of Council resolution 242 (1967). The League of Arab States also

condemned most strongly the exactions committed by Serbian forces in Bosnia and Herzegovina. All the necessary steps should be taken to put an end to the crimes and human rights violations which occurred daily throughout the world, whether committed by Serbian forces, the Israeli occupation authorities or any other agent of oppression. He confirmed the commitment of the Arab countries to the establishment of a global and just peace throughout the Middle East.

23. Mr. McNAMARA (United Nations Transitional Authority in Cambodia (UNTAC)), speaking on behalf of Mr. Akashi, Special Representative of the Secretary-General for Cambodia, recalled that UNTAC had a human rights mandate which was unprecedented in its scope and comprehensiveness. UNTAC's task was to foster an environment in Cambodia in which respect for human rights would be ensured during the transitional period leading up to free and fair elections. It was also responsible for ensuring the non-return of the policies and practices which had plunged Cambodia into tragedy with which everyone was familiar. The Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict, signed in October 1991, specified that UNTAC should implement a programme of human rights education; watch over the general human rights situation; investigate complaints of human rights violations; and, where appropriate, take remedial action.

24. Since the start of its operations in March 1992, UNTAC had made important progress. The Supreme National Council of Cambodia, as the transitional governing authority, had acceded in 1992 to seven human rights instruments. UNTAC had undertaken a substantial revision of the penal codes of Cambodia, in order to incorporate a number of basic human rights principles into Cambodian law. A programme of penal reform had been launched and all known political prisoners had been released. Human rights education, training and information programmes had been organized throughout the country. Courses on human rights had been organized in schools and universities and for legal officials and members of the police, and information about human rights had been disseminated by all the media. UNTAC had also supported the establishment of indigenous human rights organizations.

25. The Human Rights Component of UNTAC had representatives in all provinces of Cambodia who had received and looked into several hundred complaints against officials which involved human rights violations. Despite those efforts, the human rights situation in Cambodia had seriously deteriorated in recent months. Civilians of Vietnamese origin were the target of violent racist attacks, and that was a matter of the utmost concern to UNTAC. Between 1 November 1992 and mid-January 1993, various political parties had been subjected to some 40 serious human rights violations, committed in territory controlled by the State of Cambodia; regrettably, the responsible authorities had never taken the action that was called for.

26. The rising level of ethnic and political violence in Cambodia in recent months was a source of major concern to the five permanent Members of the Security Council and to other government authorities, as well as to the Secretary-General of the United Nations. It was essential to improve the situation if the environment needed to conduct free and fair elections in accordance with the Paris Agreements was to be created. In view of the inadequate response to these violations by the existing administrative authorities, he, as Director of the Human Rights Component of UNTAC,

had set up a special office to investigate and prosecute those actions. It was essential that their perpetrators should be accountable before the law; that was a prerequisite for the establishment of the rule of law throughout Cambodia.

27. In order to attain the objectives of the peace agreements, Cambodia would require assistance from the international community, from the United Nations and from international and regional human rights organizations. There was concern among Cambodians as to continuing international support and protection in human rights matters once UNTAC's mission was completed. In December 1992, the first International Symposium on Human Rights in Cambodia had been convened, the report of which was annexed to the Secretary-General's report to the Commission (E/CN.4/1993/19). It had emerged clearly from that meeting that all the human rights organizations active in Cambodia believed it necessary for their efforts to be supported by the United Nations in coming years. Consequently, he had proposed that the Centre for Human Rights should supervise the implementation of the various programmes launched by the Human Rights Component of UNTAC. It would also be highly desirable for a special rapporteur on human rights to be appointed for Cambodia, as allowed for by article 17 of the Paris Peace Agreements. HRH Prince Norodom Sihanouk, Head of State and President of the Supreme National Council of Cambodia, had endorsed those two proposals in a letter which was at the disposal of members of the Commission. It was important that the relevant decisions should be taken in the course of the current session, so that the necessary mechanisms might be in place by mid-1993, when UNTAC's mandate was due to end.

28. The restoration of respect for human rights under the rule of law in Cambodia was a sine qua non for the holding of free and fair elections and for the maintenance of peace in the country. In that regard, it was therefore absolutely essential for Cambodia to continue to enjoy the support of the United Nations, and for the Commission on Human Rights to endorse as rapidly as possible the proposals which he had just mentioned.

29. Mr. VITTORI (Pax Christi International) said that the recent change of Government in Israel had aroused hopes of some development in policies and attitudes, but, unfortunately, nothing had transpired. The hunger strike by 5,000 Palestinian prisoners had reminded the world, the previous October, that they were still being subjected to conditions of detention that were unacceptable under international law. Rather than negotiate with the strikers or request assistance from ICRC in considering the validity of the accusations and suggesting solutions in accordance with humanitarian law, the Israeli authorities had preferred to step up the repression.

30. In the past Israel had already been the object of stringent Security Council resolutions for its deportation of Palestinians. However, never before had violations of international law of that nature reached such proportions as was currently the case; the situation demanded an unequivocal reaction from the United Nations. It was the latter's credibility that was at stake, already undermined by the shocking manner in which it enforced decisions, with excessive rigour or unjustifiable laxity, depending on the

country concerned. In that connection, it was odd that some Members of the Security Council had considered it their duty to state, even before the Supreme Court of Israel had handed down its decision, that they would oppose sanctions against the State of Israel.

31. Israel's decision to allow 100 exiles to return home and to reduce the period of banishment of the rest to one year was a step in the right direction, but it was not enough since it did not meet the requirements of Security Council resolution 799 (1992). Pax Christi International once again recalled that the Israeli Government had the duty and obligation to conform to all the provisions of the Fourth Geneva Convention in the territories which it maintained under military occupation. The Netherlands section of Pax Christi International had just appealed to Mr. Kooijmans, Minister for Foreign Affairs of the Netherlands, to persuade his Government to respond to the call made by Mr. Pérez de Cuéllar in 1990 for an international conference of the High Contracting Parties to the Geneva Conventions. Pax Christi International supported that initiative, which could lead to the establishment of a United Nations monitoring facility in the occupied territories, as the Secretary-General of the United Nations, Mr. Boutros-Ghali, had just suggested. Pax Christi International hoped that the Commission would reassert the law and invite the United Nations to take the most appropriate measures to ensure that its decisions, particularly those of the Security Council, were implemented by Israel.

32. Mr. TABIBI (World Islamic Call Society) recalled that in the course of more than 45 years Israel had repeatedly violated various United Nations resolutions without losing the support of its Western allies. The double-standard policy applied by the powerful nations in favour of Israel made a mockery of justice and self-determination.

33. The peace negotiations recently initiated in Madrid had raised hopes of a peaceful settlement. Unfortunately, those hopes had been quickly dashed by the decision of the Prime Minister of Israel, Yitzhak Rabin, to deport more than 400 Palestinians. The World Islamic Call Society urged the Israeli Government to respect Security Council resolution 799 (1992) and to send the deportees back to their homeland. Lastly, it considered that there was no doubt that agreement between Arabs and Israelis was possible since they were both Semitic peoples sharing the same civilization.

34. Mr. DIENG (International Commission of Jurists) said he considered the Israeli decision to deport 415 Palestinians to be not only a gross violation of human rights but also a threat to international peace and security. The International Commission of Jurists had therefore welcomed Security Council resolution 799 (1992).

35. With regard to the compromise solution proposed by the Governments of Israel and the United States, the International Commission of Jurists stressed that, while such a compromise would produce an apparent easing of tension, it in fact constituted a defeat of the principles of international law. Like torture and genocide, forcible transfers of persons were absolutely prohibited

in international law, and in particular by article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Article 147 further considered unlawful deportation to be a grave breach of the Convention tantamount to a war crime.

36. The decision of the Supreme Court of Israel, with its lack of sensitivity to the provisions of international law, shed doubt on the independence and neutrality of the Israeli judiciary when dealing with issues of Palestinian rights. The Court's decision further indicated that there was no local remedy to rectify abuses of human rights committed by the occupying power in the West Bank and Gaza. That conclusion placed additional obligations on the States members of the international community. Article 1, common to all the Geneva Conventions, imposed an obligation on the High Contracting Parties to respect and ensure respect for the Conventions in all circumstances. As a result, flagrant violations of the Fourth Geneva Convention could on no account be the subject of any political compromise. Unfortunately, the proposed compromise was a patent example of how the international community had, for decades, handled gross violations of human rights by Israel. As had been seen recently, mere condemnations were not sufficient to compel Israel to desist from its illegal activities. There was a need for the Security Council and the Commission on Human Rights to address the problem effectively. The International Commission of Jurists therefore called on the Commission on Human Rights to appoint a special rapporteur to investigate the human rights situation in the territories occupied by Israel.

37. Ms. RASHMAWI (Human Rights Advocates) said that her statement had been prepared in conjunction with the Palestinian human rights organization, Al-Haq.

38. Israel's policy of deportation was a striking example of a grave breach of the Fourth Geneva Convention and constituted a war crime. More than 1,300 Palestinians had been deported from the occupied Palestinian territories over the previous 25 years, not including the 415 persons deported at the end of 1992. The systematic pattern of violation had been revealed by the fact that deportations were carried out in accordance with Israeli law. Israel had invoked the British Emergency Regulations in force during the British Mandate over Palestine which, according to the British Government, had been cancelled at the end of the Mandate, although the High Court of Israel had upheld their validity in order to justify the recent deportations. Israel further consistently refused to abide by international law and to implement the United Nations Security Council resolutions on the subject.

39. Palestinian detainees were routinely subjected to torture and other cruel treatment, especially during interrogation by the Israeli General Security Services. In May 1992, the International Committee of the Red Cross had taken the unusual step of publicly stating that in Israel interrogations were used to elicit confessions. It should be mentioned that the Israeli Government had legalized those practices and granted the General Security Services the power to use psychological pressure and moderate physical pressure without, however, defining those terms. She recalled that Israel had ratified the International Covenant on Civil and Political Rights, article 7 of which stated that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

40. In addition, over 1,100 Palestinians had been killed by Israeli State agents since the beginning of the uprising in December 1987, including at least 135 in 1992, without counting the 40 or more Palestinians killed the same year by the under-cover "death squads". Israeli laws allowed those acts, which were fundamentally illegal in international law. Open-fire regulations permitted the Israel Defence Forces to fire live ammunition, without prior warning, at persons who posed no threat to life and were often fleeing and unarmed. The power to demolish and seal houses was also entrenched in Israeli laws, regulations and military orders. At least 2,000 homes had been demolished or sealed, partially or totally, for alleged security offences, since the beginning of the occupation. Ninety per cent of the demolition or sealing of houses between 1981 and 1991 had been carried out before a court of law had established the innocence or guilt of the alleged offender. The policy was a collective punishment directed against all persons living in the same house as the alleged perpetrator of the offence. The High Court of Israel had justified those measures on grounds of deterrence; such practices were illegal under international law, but were legal in Israel.

41. There were few clearer situations of gross violations of human rights than in the occupied territories. When crimes were so systematic and so gross, States and intergovernmental bodies had the right and indeed the duty to pursue the perpetrators and punish them in accordance with international law. Gross and systematic violations of Palestinian rights by the Israeli occupation authorities had been repeatedly brought to the attention of the Commission on Human Rights in recent years. Despite many United Nations resolutions related to those violations, Israel continued to refuse to abide by the provisions of international law. Human Rights Advocates submitted that effective measures of intervention were essential regarding Israel's policies and called on the Commission on Human Rights to appoint an emergency rapporteur to investigate the human rights situation in the occupied Palestinian territories.

The meeting rose at 1 p.m.